

PROB 12C  
(7/93)

Report Date: October 25, 2010

**United States District Court**

**for the**

**Eastern District of Washington**

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**OCT 26 2010**

JAMES R. LARSEN  
SPOKANE, WASHINGTON DEPUTY

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Mario Martinez Torres

Case Number: 2:05CR02136-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Fred Van Sickle, Senior U.S. District Judge

Date of Original Sentence: 4/9/2007

Original Offense: Possession of Firearm by Prohibited Person, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 41 Months;  
TSR - 36 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Gregory M. Shogren

Date Supervision Commenced: 7/5/2009

Defense Attorney: Ricardo Hernandez

Date Supervision Expires: 7/4/2012

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**PETITIONING THE COURT**

**To issue a warrant.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number      Nature of Noncompliance

1      **Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.

**Supporting Evidence:** Mr. Torres was charged with fourth degree assault, Yakima County District Court cause number 36668, on October 20, 2010.

On October 20, 2010, at approximately 2132 hours a deputy from the Yakima County Sheriff's Office responded to Buena Bill's Tavern, regarding a Hispanic male who had assaulted another patron, and refused to leave the premises.

Upon the deputy's arrival, he spoke with one of the bartenders who stated the suspect had just left, and his name is Mario Torres. The bartender advised she was working inside the tavern when Mr. Torres arrived, and almost immediately wanted to get into a fight with another patron. The bartender reported she confronted Mr. Torres and told him to settle down or leave. The bartender stated the defendant moved away, but when she left the area, Mr. Torres walked up to the other patron, punched the patron in the face, causing a significant nose bleed and possibly even breaking the patron's nose. The bartender indicated they were able to get Mr. Torres outside, he was repeatedly told to leave, however, he kept attempting to force his way back into the tavern. According to the bartender, about this time,

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Mr. Torres bit her fingers and the deputy was able to see obvious swelling to the bartender's middle finger.

The deputy left the area and drove to Mr. Torres' residence, 407 West Second Street in Wapato, Washington. While at the residence, a small blue pickup truck stop just behind the deputy's patrol car, pause before proceeding on down Second Street. The deputy stopped the vehicle, recognized the driver as Mr. Torres from previous contacts, and from a booking photograph.

While Mr. Torres remained seated in his vehicle, the officer asked him what transpired at Buena Bill's Tavern. Mr. Torres advised he punched a man in the face for coming into his residence about a month ago without permission. Mr. Torres indicated the man related Mr. Torres' wife had given him permission, but that Mr. Torres' wife told him, the man did not have permission. The deputy asked Mr. Torres about biting the female bartender, to which he adamantly denied biting the bartender, but readily acknowledged punching the other patron in the face. Mr Torres was arrested for assault, and placed in the back seat of the patrol car.

The deputy spoke by telephone with the patron who stated Mr. Torres came into the tavern, punched his nose, which caused extensive bleeding, but did not believe his nose was broken. The patron advised he wanted to pursue criminal charges against Mr. Torres.

Mr Torres was subsequently booked into the Wapato jail for two counts of fourth degree assault.

- 2        **Special Condition # 18:** You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

**Supporting Evidence:** Mr. Torres consumed alcohol on October 20, 2010, while at Buena Bill's Tavern in Buena, Washington.

On October 25, 2010, this officer spoke with the bartender at Buena Bill's Tavern who confirmed Mr. Torres was drinking alcohol on October 20, 2010.

- 3        **Mandatory Condition # 6:** If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the schedule of payments set forth in the criminal monetary penalties sheet of this judgment.

**Supporting Evidence:** Mr. Torres has failed to make a payment towards his special assessment as of October 25, 2010.

On August 10, 2010, this officer reminded Mr. Torres of his special assessment obligation and that he had a balance of \$75. Mr. Torres promised he would pay the balance in full by August 20, 2010. To this date, Mr. Torres has yet to pay his special assessment.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 10/25/10

s/Jose Zepeda

Jose Zepeda  
U.S. Probation Officer

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### THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other

Fred Van Bille

Signature of Judicial Officer

October 26, 2010

Date